

**Before the  
Federal Communications Commission  
WASHINGTON, D.C. 20554**

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Open Range	)	File No. SAT-STA-20100625-00147
	)	
Request for Special Temporary Authority	)	
	)	
	)	

**ORDER ON RECONSIDERATION**

**Adopted: September 23, 2010**

**Released: September 23, 2010**

By the Chiefs, International Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology:

1. On September 14, 2010, we granted in part the request by Open Range Communications, Inc. (“Open Range”) for Special Temporary Authority (“STA”) to operate on spectrum that it was leasing from Globalstar Licensee LLC (“Globalstar”).<sup>1</sup> Specifically, we granted Open Range a 60-day STA, with conditions, to provide Open Range additional time to gain access to other spectrum while also minimizing disruption to its customers.<sup>2</sup> We limited the STA to geographic markets in which Open Range either already was providing service or had projected that it would launch by the end of 2010.<sup>3</sup> We noted that if, during the 60-day STA, Open Range enters into an agreement for accessing alternative spectrum and presents a plan to transition off of the frequencies it was leasing from Globalstar, we would consider revisiting the terms of the STA.<sup>4</sup>

2. On September 21, 2010, Open Range filed a letter requesting modification to the 60-day STA.<sup>5</sup> Open Range indicates that while it initially believed that the authority we granted would suffice to

<sup>1</sup> Globalstar Licensee LLC, Application for Modification of License to Extend Dates for Coming into Compliance with Ancillary Terrestrial Component Rules, File No. SAT-MOD-20091214-00152, and Open Range Request for Special Temporary Authority, File No. SAT-STA-20100625-00147, *Order* (DA 10-1740) (IB, WTB, OET) (rel. Sept. 14, 2010) (respectively, “*Globalstar Order*” and “*Open Range STA*”). Our decision to grant, in part, Open Range’s request for an STA in the *Open Range STA* was considered in conjunction with our decision to deny Globalstar’s request for extension of its Ancillary Terrestrial Component (“ATC”) authority in the *Globalstar Order*. See generally *Globalstar Order*; *Open Range STA*. Open Range’s request for an STA was placed on Public Notice on July 16, 2010. Policy Branch Information, Space Station Applications Accepted for Filing, Report No. SAT-00707 (Jul. 16, 2010). No comments were received. *Open Range STA* at ¶ 43 n.91.

<sup>2</sup> See generally *Open Range STA* at ¶¶ 45-49. As we explained, as a consequence of our suspension of Globalstar’s Ancillary Terrestrial Component (“ATC”) authority, Open Range would not be able to continue to provide service on the spectrum that Open Range was leasing from Globalstar, and would need to find other spectrum in order to continue to provide service. *Id.* at ¶¶ 45-47.

<sup>3</sup> *Open Range STA* at ¶ 49 & Appendix A.

<sup>4</sup> *Open Range STA* at ¶ 49.

<sup>5</sup> Letter to Mindel De La Torre, Chief of the International Bureau, Ruth Milkman, Chief of the Wireless Telecommunications Bureau, and Julius Knapp, Chief of the Office of Engineering and Technology, from Joe D. (continued....)

enable it to continue operating its business while it found alternative spectrum to transition to, it has subsequently determined that a 60-day STA provided insufficient time.<sup>6</sup> In particular, Open Range requests that the term of the STA be modified to 180 days, and that Open Range not be required to enter into an alternative spectrum agreement by the end of that 180 days because it might not be able to reach a definitive agreement within that time.<sup>7</sup> As part of its request, Open Range commits to providing monthly reports to the Commission on the status of its efforts to secure alternative spectrum.<sup>8</sup> Open Range also states that it is not seeking and will not seek STA authority to operate in any markets beyond those markets in which it was authorized to operate by the STA that we granted.<sup>9</sup> Open Range also notes other commitments that it would make.<sup>10</sup> In sum, Open Range argues that alteration of the terms of the STA would substantially enhance the likelihood that Open Range will be able to secure alternative spectrum.<sup>11</sup>

3. Upon reconsideration, we modify the STA that we granted Open Range, and the conditions we imposed, in the following respects. First, we extend the authorization until January 31, 2011. We conclude that an STA of some additional but limited duration would be reasonable in order to assist Open Range in obtaining access to alternative spectrum that it could use in providing service in the markets for which it has authority to operate (*i.e.*, those markets that it projected that it would launch by the end of 2010). We also note that, if Open Range obtains access to such spectrum, this additional time will enable Open Range to develop a plan for transitioning existing customers to the use of this alternative spectrum.

4. Second, in extending the STA beyond 60 days, we believe that monthly status reports would be useful, and we require that Open Range provide us with monthly reports with respect to its obtaining access to alternative spectrum and its plans for transitioning its customers.<sup>12</sup> In light of these modifications, we will monitor developments, and will consider taking any additional action prior to January 31, 2011, as may be appropriate.

5. Accordingly, IT IS ORDERED that, pursuant to 47 U.S.C. Sections 309 (b) and (f) and 47 C.F.R. Section 1.106, we MODIFY our September 14, 2010 Order granting Open Range an STA to provide terrestrial fixed and mobile service in the 2483.5-2495 MHz frequency band<sup>13</sup> as follows:

(Continued from previous page) \_\_\_\_\_

Edge, Counsel to Open Range, filed September 21, 2010 ("September 21, 2010 Letter Request"). We note that, subsequent to the release of the *Open Range STA*, Open Range has filed other *ex partes* in this proceeding. See Letter to Marlene H. Dortch, Secretary, FCC, from Joe D. Edge, Counsel to Open Range, filed September 16, 2010 (confidential treatment requested); Letter to Marlene H. Dortch, Secretary, FCC, from Joe D. Edge, Counsel to Open Range, filed September 16, 2010 (attaching September 16, 2010, email from Joe D. Edge, Counsel to Open Range, to Zachary Katz, Office of Chairman Genachowski).

<sup>6</sup> September 21, 2010 Letter Request at 1.

<sup>7</sup> *Id.* at 1. We note that Open Range had made a similar request when it filed its initial request for an 18-month STA. Letter to Mindel De La Torre, Chief of the International Bureau of the FCC, from Joe D. Edge, Counsel to Open Range, dated June 25, 2010 ("Open Range STA Application").

<sup>8</sup> September 21, 2010 Letter Request at 2.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> We require Open Range to provide each monthly report on the first business day of each month, beginning on October 1, 2010.

<sup>13</sup> See *Open Range STA*.

(a) the STA is extended until January 31, 2011; and

(b) Open Range shall submit a monthly filing to the Chiefs of the International Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology, that provides a status report on its obtaining access to alternative spectrum and its plans for transitioning customers to the use of this alternative spectrum. Each monthly report shall be submitted on the first business day of the month, beginning on October 1, 2010.

FEDERAL COMMUNICATIONS COMMISSION

Mindel De La Torre  
Chief, International Bureau

Ruth Milkman  
Chief, Wireless Telecommunications Bureau

Julius Knapp  
Chief, Office of Engineering and Technology